

TODD TRIERWEILER - OSB #85348

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Attorney For Debtor

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re:)

Josephine Carter-Holmes,)

Case No. 24-30003-dwh13

)

NOTICE OF DEATH

Debtor.)

In compliance with LBR 1016-1(a), Debtor's counsel gives notice to the Court that Debtor died on August 28, 2024. Attached is a redacted copy of the death certificate.

Debtor's daughter, Simone Rochelle Carter, filed a *Petition For Administration of Intestate Estate and Appointment of Personal Representative* on September 30, 2024 in Multnomah County Circuit Court (Case No. 24PB08842). Ms. Carter is seeking to be named as Personal Representative of the Estate, but no order has been entered as of yet. It appears possible that a challenge to Ms. Carter's naming as Personal Representative may be filed. A copy of the *Petition* is also attached hereto.

Page 1 of 2 - NOTICE OF DEATH

It is Debtor's counsel's understanding that if Ms. Carter is appointed as Personal Representative, she wishes to prosecute this case in place of Debtor, to sell Debtor's real property, and to pay off this case from the proceeds of the sale. Debtor's confirmed *Chapter 13 Plan* provides for a full payoff of all timely filed claims with 5% interest.

Respectfully submitted this 4th day of October, 2024.

/s/ Michael R. Blaskowsky

Michael R. Blaskowsky

OSB #84176

For Todd Trierweiler

OSB #85348

Attorney For Debtor

1112839

I.D. TAG NO.

OREGON HEALTH AUTHORITY
CENTER FOR HEALTH STATISTICS
CERTIFICATE OF DEATH

136-2024-027714

STATE FILE NUMBER

TO BE COMPLETED BY FUNERAL FACILITY	Legal Name		First	Middle	Last	Suffix	Death Date
	Josephine				Carter-Holmes		August 28, 2024
	Aka Josephine Carter-Hudson						
	Sex	Age	Social Security Number		County of Death		
	Female	81 years			Multnomah		
	Birthdate	Birthplace		Was Decedent Ever in U.S. Armed Forces?			
		Baton Rouge, Louisiana		No			
	Residence:			City/Town			
	6518 SE Platt Avenue			Portland			
	Residence County		State or Foreign Country		Zip Code + 4		Inside City Limits?
	Multnomah		Oregon		97236		Yes
	Marital Status at Time of Death		Spouse's Name Prior to First Marriage				
	Married		Ken Hudson				
	Father's Name			Mother's Name Prior to First Marriage			
Joe Wilson			Hester McForand				
Informant's Name		Telephone Number	Relationship to Decedent	Mailing Address			
Ken Hudson		Not Available	Spouse	6518 SE Platt Avenue, Portland, OR 97236			
Place of Death			Facility Name				
Decedent's Residence - Hospice							
Location of Death			City/Town or Location of Death		State	Zip Code + 4	
6518 SE Platt Avenue			Portland		Oregon	97236	
Method of Disposition		Place of Disposition		Location (City/Town and State)			
Cremation		Portland Cremation Center, LLC		Portland, Oregon			
Name and Complete Address of Funeral Facility							
Terry Family Funeral Home 2337 N Williams Avenue, Portland, Oregon 97227							
Date of Disposition		Funeral Director's Signature			OR License Number		
TBD		Carina B Keller			CO-3960		
Registrar's Signature				Date Received		Local File Number	
Jennifer A. Woodward				September 09, 2024			
Amendment							

45-2CCS (01/06)



20240910476

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORDS FACTS ON FILE IN THE OREGON CENTER FOR HEALTH STATISTICS.

DATE ISSUED:

September 10, 2024

JENNIFER A. WOODWARD, Ph.D.
STATE REGISTRAR

THIS COPY IS NOT VALID WITHOUT INTAGLIO STATE SEAL AND BORDER.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
Probate Department**

In the Matter of the Estate of:

JOSEPHINE CARTER-HOLMES,

Deceased.

Case No.

**PETITION FOR ADMINISTRATION
OF INTESTATE ESTATE AND
APPOINTMENT OF PERSONAL
REPRESENTATIVE**

Filing Fee **\$591** Per ORS 21.105 &
21.170 (Estate Value Less Than \$1M)

SIMONE ROCHELL CARTER, Petitioner herein, alleges:

1.

The following information is given with regard to the decedent:

Name	:	Josephine Carter-Holmes
Age	:	81
Domicile	:	6518 SE Platt Avenue, Portland, OR 97236
Post-Office Address	:	6518 SE Platt Avenue, Portland, OR 97236
Date of Death	:	August 28, 2024
Place of Death	:	6518 SE Platt Avenue, Portland, OR 97236

2.

The decedent died intestate.

3.

Venue is established in Multnomah County, Oregon, in that the decedent resided, owned property and died in said county.

4.

Petitioner SIMONE ROCHELL CARTER, whose post office address is 4324 NE Grand Avenue, Portland, OR 97211, and whose telephone number is [REDACTED],

nominates herself as personal representative. Petitioner is the only child of the decedent and has preference to be appointed as personal representative pursuant to ORS 113.085(1)(c) as a distributee of the estate entitled to property of the decedent under intestate succession. The other potential distributee of the estate, Kenneth Ray Hudson, is the alleged surviving spouse of the decedent who would have priority to serve under 113.085(1)(b). However, facts exist that support appointing Petitioner as personal representative. The marriage between the decedent and Mr. Hudson occurred less than two months prior to decedent's passing, and Petitioner is of belief that decedent was of unsound mind when she was entered into a state of marriage and questions the validity of decedent's signature on the marriage license. Furthermore, Petitioner has reason to believe that assets of the estate are being sold by Mr. Hudson without proper authority to do so, to the detriment of the estate and beneficiaries.

5.

Petitioner is qualified, willing and able to act as personal representative and is not disqualified to serve under ORS 113.095 due to incapacity; financial incapability; age of minority; suspension, resignation or disbarment from the practice of law for misconduct; or as a licensed funeral service practitioner. Petitioner has never filed for bankruptcy and has no criminal history.

6.

The name, relationship and last-known address of each of the decedent's heirs are:

Name	Relationship	Address
Simone Rochell Carter	Daughter	4324 NE Grand Ave. Portland, OR 97211
Kenneth Ray Hudson*	Spouse	6518 SE Platt Avenue, Portland, OR 97236

*Petitioner questions the validity of the marriage license between the decedent and Mr. Hudson per paragraph 4 above.

7.

Petitioner has made reasonable efforts to identify and locate all heirs of the decedent.

8.

ORS 113.035(7) and ORS 113.035(10) do not apply as this is not a testate estate.

9.

Petitioner does not know of any person who asserts an interest, or on whose behalf such interest has been asserted, in the estate under ORS 113.035(8) or ORS 113.035(9).

10.

So far as is known to Petitioner, the nature, extent, liquidity and apparent value of assets in this estate subject to probate are real and personal property with a value of not more than \$1,000,000.

11.

In lieu of a bond, Petitioner requests that all assets of the estate be deposited into a restricted estate bank account from which no transfers or withdrawals shall be made without prior court order and that the estate real property be restricted from sale without prior court approval and that the proceeds of any sale thereof are deposited in to said restricted estate bank account.

12.

Petitioner has employed Scott N. Barbur of Barbur Laskey LLC, 2100 SE Lake Road, Suite 5, Milwaukie, OR 97222, as the attorney to represent her in the administration of this estate.

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WHEREFORE, Petitioner prays for a LIMITED JUDGMENT as follows:

(1) Admitting this estate to administration;

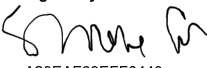
(2) Appointing SIMONE ROCHELL CARTER as personal representative with full powers thereof;

(3) In lieu of bond, ordering that all assets of the estate be deposited into a restricted estate bank account from which no transfers or withdrawals shall be made without prior court order and that the estate real property be restricted from sale without prior court approval and that the proceeds of any sale thereof are deposited in to said restricted estate bank account; and

(4) Issuing Letters of Administration to SIMONE ROCHELL CARTER in the manner prescribed by law.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: 9/30/2024

Signed by: 

A29EAF03EFF0448
SIMONE ROCHELL CARTER, Petitioner/
Proposed Personal Representative

Petitioner/Proposed Personal Representative:

Simone Rochell Carter | [REDACTED]
4324 NE Grand Ave. | Portland, OR 97211

Attorney for Petitioner/Proposed Personal Representative:

Scott N. Barbur | OSB #116833
2100 SE Lake Rd., Ste. 5, | Milwaukie, OR 97222
503-654-1773 | scott@barburlaw.com